

REMARKS

In the Office Action¹, the Examiner objected to claim 1; rejected claims 3-10 under 35 U.S.C. § 112, second paragraph; rejected claims 1-3 and 11-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,657,015 to Nakajima et al. ("*Nakajima*"); and indicated that claims 4-10 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph.

By this Amendment, Applicant cancels claims 1-3 without prejudice or disclaimer; amends claims 4-13; and adds claims 14 and 15. Claims 4-15 are now pending, and the objection and rejections of claims 1-3 are rendered moot by the cancellation.

Applicant respectfully traverses the rejection of claims 4-10 under 35 U.S.C. § 112, second paragraph, and asserts that claims 4-10, as amended, meet the requirements of 35 U.S.C. § 112. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 4-10 under 35 U.S.C. § 112, second paragraph.

On page 3 of the Office Action, the Examiner rejected claims 1-3 and 11-13 under 35 U.S.C § 102(b) as being anticipated by *Nakajima*. The rejection of claims 1-3 has been rendered moot by the cancellation of claims 1-3. Moreover, inasmuch as the 35 U.S.C § 102(b) rejection of claims 1-3 and 11-13 may be applicable to amended claims 4-13 and new claims 14 and 15, Applicant asserts that claims 4-15 are allowable over *Nakajima* for at least the following reasons.

¹ The Office Action may contain a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Independent claim 4 recites a data processing apparatus including, among other things, “a quantization means for performing the second quantization . . . , wherein the quantization scale generation means calculates a second quantization scale $Q(i)$ based on the scales $Q_m(i)$ and $Q_m(i+1)$, and calculates an additional second quantization scale $Q(i+1)$, and wherein the quantization means performs the second quantization on the block data $MB_m(i)$ based on the second quantization scale $Q(i)$ calculated by the quantization scale generation means and performs the second quantization on the block data $MB_m(i+1)$ based on the additional second quantization scale $Q(i+1)$.”

Nakajima fails to disclose or even suggest at least the claimed quantization scale generation means that calculates a second quantization scale $Q(i)$ based on the scales $Q_m(i)$ and $Q_m(i+1)$ and performing second quantization on the block data $MB_m(i)$ based on the second quantization scale $Q(i)$.

Nakajima discloses a quantizer 6 that performs quantization on recovered Discrete Cosine Transform (DCT) coefficient under the control of quantization controller 5. (Figure 1, col. 4, lines 14-25). Quantization controller 5 controls the quantization based on a “quantization step $Q1_m(n,i)$ [that] is sent to an average value processing section 12 as well as a quantization step computation section 21. The average value processing section 12 adds together the quantization steps of the individual macro blocks in the picture, and calculates their average value when all the picture quantization steps are received to acquire picture averaged quantization step $Q1_p(n)$.” (Figure 2, col. 60-66).

Thus, in *Nakajima*, quantizer 6 performs quantization based on an average value outputted calculated by average value processing section. The quantizer 6 or

quantization controller 5 of *Nakajima*, however, do not constitute the claimed "claimed quantization scale generation means" at least because *Nakajima* does not teach or even suggest calculating "a second quantization scale $Q(i)$ based on the scales $Q_m(i)$ and $Q_m(i+1)$ " and performing "the second quantization on the block data $MB_m(i)$ based on the second quantization scale $Q(i)$," as recited in claim 4. At most, *Nakajima* discloses performing quantization based on an average value, but does not teach or even suggest calculating quantization scales and performing second quantization based on the calculated quantization scales.

Accordingly, *Nakajima* fails to anticipate claim 4.

Independent claims 11-13, while of different scope than claim 4, distinguish over *Nakajima* for at least similar reasons as claim 4.

The remaining claims are also allowable at least due to their dependence from one of independent claims 4 and 11.

Allowance of claims 4-15 is therefore respectfully requested and deemed appropriate

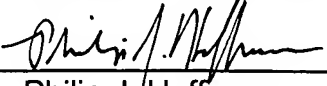
In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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